

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANE BARNES, :  
 :  
Plaintiff, :  
 :  
- against - : 07 CV 6103 (SHS)  
 :  
LIFE INSURANCE COMPANY OF NORTH AMERICA, :  
 :  
Defendant. :  
----- X

**MOTION TO TRANSFER VENUE TO THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA**

Pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406(a), defendant Life Insurance Company of North America (“LINA”), hereby moves this Court to transfer this matter to the United States District Court for the Northern District of California.

Plaintiff alleges that LINA, as the provider of Plaintiff’s long term disability insurance coverage, violated the Employee Retirement Income Security Act (“ERISA”) by improperly terminating Plaintiff’s long term disability benefits.

Venue is improper in the Southern District of New York under ERISA’s venue provision, 29 U.S.C. § 1132(e)(2). Plaintiff is a resident of California and received all of her medical treatment there. LINA is a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania, and plaintiff’s claim for long term disability benefits was reviewed by LINA’s claims operations in Pittsburgh, Pennsylvania. This matter has no connection to New York to subject it to venue in the Southern District of New York.

In support of this motion to transfer venue to the United States District Court for the Northern District of California, LINA attaches a memorandum of law.

Dated: White Plains, New York  
September 7, 2007

DEFENDANT LIFE INSURANCE COMPANY OF  
NORTH AMERICA

By: /s/Emily A. Hayes  
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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2007, the foregoing Motion to Transfer to the United States District Court for the Northern District of California was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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